

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Monday, May 2, 1994, the following members were present:

Bob Anderson, Chairman  
Bob Rowe, Vice Chairman  
Dave Fisher, Commissioner

Commissioners McCaffree and Oberg were absent but left votes with the Commission Secretary.

APPEARANCE  
Bonnie Lorang  
Transportation Division

(239) In the matter of E.H. Oftedal & Sons, Inc. dba Montana Contractors Transport, Miles City, Montana - Docket T-93.123.PCN; applicant filed an application for a Montana Intrastate Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class C - Construction and mining equipment, related vehicles, equipment, materials and transformers between all points and places in the State of Montana.

Public hearing was scheduled for May 5, 1994, in Helena. Applicant has filed a motion to withdraw the application and close the docket.

Commissioner Rowe moved to grant applicants request to withdraw the application and close the docket. Commissioner Fisher seconded the motion, which passed unanimously. Commissioners McCaffree and Oberg voted aye.

(240) In the matter of Lanette Walker, Pablo, MT - Docket T-94.19.ST; Commissioner Rowe moved to approve the application for transfer of Montana Intrastate Certificate of Public Convenience and Necessity, PSC No. 9336 to Sean D. McCarthy and David M. Arbuckle, dba LaCourier, Bozeman, MT.

Class B - Legal papers and documents, correspondence, packages, title reports, blue prints, government documents, travel tickets, postage meter, miscellaneous business and personal use items and foods, medical laboratory specimens and supplies (1) between points and places within Park, Madison and Silver Bow Counties; (2) between points within Park, Madison, and Silver Bow Counties on the one hand and points within Lewis and Clark County on the other.  
Limitation: 1. Transportation of the following is prohibited: Money, mail, drugs, blood, flowers, audit and accounting media; data processing media and business records; processed and unprocessed film and microfilm and incidental supplies relating to snapshots and microfilm; non-negotiable securities; non-negotiable bank checks and valuable papers.

Commissioner Fisher seconded the motion, which passed unanimously.

(241) In the matter of Gordon Giulio dba Giulio Disposal, Boulder, MT - Docket T-94.20.ST; Commissioner Fisher moved to approve the application for transfer of Montana Intrastate Certificate of Public Convenience and Necessity, PSC No. 3344 to Giulio Disposal Service, Inc., Boulder, MT.

Class D - garbage, trash and refuse between points and places in Jefferson County, Montana. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized.

Commissioner Rowe seconded the motion, which passed. Commissioner Oberg voted aye. Commissioner McCaffree did not vote on this issues.

(242) In the matter of LaVelle Powder Co., Inc., Butte, MT has - Docket T-94.21.ST; Commissioner Fisher moved approve the application for transfer of Montana Intrastate Certificate of Public Convenience and Necessity, PSC No. 3237 (Portion only) to Montana Minerals Transportation L.L.C. a Partnership Consisting of Alfred Hokanson, Dixie Hokanson, Tim Hokanson and Keith Hokanson, Norris, MT.

Class C - ore between all points in Ravalli, Missoula, Broadwater, Madison, Judith Basin, Fergus, Powell and Jefferson Counties and that part of Gallatin County south of U.S. Interstate 90.

Commissioner Rowe seconded the motion, which passed unanimously. Commissioner McCaffree voted aye. Commissioner Oberg left his proxy to Commissioner Fisher.

(243) In the matter of D.R.K., Inc. dba Delicious Deliveries, Bozeman, MT - Docket T-94.23.PCN; Commissioner Fisher moved to approve the application for a Montana Intrastate Certificate of Public Convenience and Necessity authorizing the following:

Class B - Restaurant prepared food within the City of Bozeman, Montana and a fifteen (15) mile radius thereof.

Commissioner Rowe seconded the motion, which passed unanimously. Commissioners McCaffree and Oberg left their proxies with Commissioner Fisher.

(244) In the matter of Erik Meis dba West Wind Courier Service, Havre, MT - DOCKET T-94.25.PCN; Commissioner Fisher moved to grant approval of the application for a Montana Intrastate Certificate of Public Convenience and Necessity authorizing the following:

Class C - Laboratory specimens encompassing all fields of laboratory medicine including but not limited to serum, blood products, pathology specimens, and cultures between all points and places in Hill and Liberty Counties.  
Limitations: Transportation is restricted to that provided for the account of the Liberty County Hospital and Nursing Home.

Commissioner Rowe seconded the motion, which passed unanimously. Commissioners McCaffree and Rowe voted aye.

(245) In the matter of Warren Way West, Inc., Billings, Montana, TN1579, as lessee of PSC No. 9339; Commissioner Rowe moved to grant applicants request for permission to self-insure for cargo purposes only. If approved, the term of coverage will be May 1, 1994 to May 1, 1995.

Class B - ground limestone, limestone dust, and calcium carbonate, in bulk and in bags from Warren, Montana, to all points and places in the State of Montana, with return of

rejected shipments.

Commissioner Fisher seconded the motion, which passed unanimously. Commissioner McCaffree voted aye. Commissioner Oberg left his proxy to Commissioner McCaffree.

There being no further business to come before the Commission the meeting was adjourned.

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BOB ANDERSON, Chairman

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BOB ROWE, Vice Chairman

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DAVE FISHER, Commissioner

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NANCY McCAFFREE, Commissioner

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DANNY OBERG, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Monday, May 2, 1994, the following members were present:

Bob Anderson, Chairman  
Bob Rowe, Vice Chairman  
Dave Fisher, Commissioner

Commissioner McCaffree was absent, but voted via telephone with Commission Secretary. Commissioner Oberg was absent and did not vote on the following issues.

APPEARANCE  
Dan Elliott

(246) In the matter of Montana Power Company Revenue Requirements - Docket No. 93.6.24; Commissioner Fisher moved to pass through 93.6.24 natural gas increases to local companies in Docket 93.10.46, 93.10.47, 93.10.48, 93.10.49 and 93.10.50. Commissioner Rowe seconded the motion, which passed unanimously. Commissioner McCaffree voted aye.

There being no further business to come before the Commission the meeting was adjourned.

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BOB ANDERSON, Chairman

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BOB ROWE, Vice Chairman

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DAVE FISHER, Commissioner

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NANCY McCaffree, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Monday, May 2, 1994, the following members were present:

Bob Anderson, Chairman  
Bob Rowe, Vice Chairman  
Dave Fisher, Commissioner  
Danny Oberg, Commissioner

Commissioner McCaffree was absent, but voted on the following issues via telephone with Commission Secretary.

APPEARANCE  
Chuck Evilsizer

(247) In the matter of Maykuth v U S West Communications consideration of motions - Docket No. 93.4.12; Commissioner Fisher moved to grant the USWC motion to dismiss the complaint. Commissioner Oberg seconded the motion, which passed. Commissioners Fisher, Rowe, Oberg and McCaffree voted aye. Commissioner Anderson dissented.

APPEARANCE  
Chuck Evilsizer, Will Rosquist

(248) In the matter of SPRINT, discussion of waiver of filing fees - Docket N-94-33; Commissioner Rowe moved to deny the request for waiver of filing fees. Commissioner Fisher seconded the motion, which passed. Commissioners Rowe, Fisher, Anderson and McCaffree voted aye. Commissioner Oberg dissented.

APPEARANCE  
Will Rosquist

(249) In the matter of the Commissions discussion of out of state travel; Commissioner Rowe moved to approve out of state travel for Will Rosquist to attend the Northwest Power Planning Council Stage Advisory Committee meeting in Portland, Oregon, May 5 - 8, 1994. Commissioner Fisher seconded the motion, which passed unanimously. Commissioner McCaffree voted aye.

APPEARANCE  
Martin Jacobson, Bonnie Lorang

(250) In the matter of A&A Transport, Inc., Kalispell, Montana application for temporary operating authority - Docket No. T-94.34.PCN; Commissioner Rowe moved to grant the application for temporary authority as limited:

Class C - Cottage cheese, sour cream, ice cream, cheese, and all other milk products manufactured by Borden/Meadow Gold Dairies in the State of Montana and associated components required for this process, from Borden/Meadow Gold Dairy in Kalispell to Borden/Meadow Gold storage facilities and retail outlets in Missoula, limited to transportation in refrigerated equipment.

Commissioner Fisher seconded the motion, which passed unanimously. Commissioner McCaffree left her proxy with Commissioner Fisher.

APPEARANCE

Will Rosquist, Robin McHugh

(251) In the matter of Pacific Power and Light filing of Integrated Resource Plan - Docket No. 94.4.19; Commissioner Rowe moved to notice receipt of PP&L Integrated Resource Plan and inviting comments by August 15, 1994. Commissioner Fisher seconded the motion, which passed unanimously. Commissioner McCaffree left her proxy with Commissioner Rowe.

## APPEARANCE

Martin Jacobson, Joel Tierney

(252) In the matter of Montana Dakota Utilities general rate filing - Docket No. 94.4.17; Commissioner Rowe moved to direct staff to prepare a revised procedural schedule with a reserved issues format. Motion dies for lack of second.

Commissioner Oberg moved to deny motion of Montana Consumer Counsel to alter filing deadlines for intervenor testimony. Commissioner Fisher seconded the motion, which passed 4-1. Commissioners Anderson, Oberg and Fisher voted aye. Commissioner Rowe dissented. Commissioner McCaffree voted aye.

Commissioner Rowe moved to deny MDU motion on use of data request. Commissioner Fisher seconded the motion, which passed 4-1. Commissioners Anderson, Rowe and Fisher voted aye. Commissioner Oberg dissented. Commissioner McCaffree voted aye.

Commissioner Oberg moved to defer objections on briefing until hearing conclusion. Commissioner Fisher seconded the motion, which passed unanimously. Commissioner McCaffree voted aye.

Commissioner Rowe moved to deny MDU motion to strike paragraph 4 of Procedural Order. Commissioner Fisher seconded the motion, which passed unanimously. Commissioner McCaffree voted aye.

## APPEARANCE

Martin Jacobson, Bonnie Lorang

(253) In the matter of the Commission's discussion of Primary Business Test and Proposed Rulemaking; Commissioner Rowe moved to proceed to publishing primary business test rules. Motion dies for lack of second. Commissioner Fisher moved to not adopt primary business test rules. Commissioner Oberg seconded the motion. Motion fails on a 2-2 vote. Commissioners Fisher and Oberg voted aye. Commissioners Anderson and Rowe dissented.

(254) In the matter of Sure-Way Transportation, Inc. application for temporary authority - Docket No. T-94.38.PCN; Commissioner Fisher moved to grant the temporary authority of Sure-Way Transportation, Inc. effective June 15, 1994. Commissioner Rowe seconded the motion, which passed unanimously. Commissioner McCaffree voted aye.

There being no further business to come before the Commission the meeting was adjourned.

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BOB ANDERSON, Chairman

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BOB ROWE, Vice Chairman

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DAVE FISHER, Commissioner

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NANCY McCAFFREE, Commissioner

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DANNY OBERG, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Monday, May 9, 1994, the following members were present:

Bob Anderson, Chairman  
Bob Rowe, Vice Chairman  
Dave Fisher, Commissioner  
Nancy McCaffree, Commissioner  
Danny Oberg, Commissioner

APPEARANCE

Dan Elliott, Administrator  
Utility Division

(255) In the matter of PSC Notice of Inquiry - Docket 94.1.4; Montana Power Company has requested an extension of time to file comments. MPC requests until May 23, 1994. Staff recommends extending deadline to June 30, 1994. Commissioner Rowe moved to extend deadline to June 30, 1994. Commissioner McCaffree seconded the motion, which passed unanimously.

(256) In the matter of City of Wolf Point - Docket No. 93.12.63; on December 13, 1993, the City of Wolf Point filed a Petition requesting a sewer rate increase to provide revenues to repay a loan borrowed from the Montana Department of Health and Environmental Sciences taken to make improvements to the city's wastewater stabilization ponds. The proposed increase amounts to 21.27% or approximately \$36,120 in additional annual revenues. A Notice of Opportunity for Public Hearing was published. The comment period was extended an additional twenty days because of an amendment to the Petition. No protests or requests for hearing have been received. Commissioner Oberg moved to grant Default Order No 5784. Commissioner McCaffree seconded the motion, which passed unanimously.

(257) In the matter of Montana Power Company - Docket No. 93.6.24; Montana Power Company has filed a request to waive the 10 day requirement to file its Motion for Reconsideration of Order No. 5709d, due today, May 9. Montana Consumer Counsel has no objection to extending the deadline until May 16, 1994, as requested. Commissioner Fisher moved to extend deadline until May 16, 1994. Commissioner Rowe seconded the motion, which passed. Commissioners Fisher, Rowe, Anderson and Oberg voted aye. Commissioner McCaffree dissented.

(258) In the matter of the Town of Opheim - Docket 94.3.12; on March 10, 1994, the Town of Opheim filed a Petition requesting a sewer rate increase to provide revenues to defray increased costs of operation and maintenance. The proposed increase amounts to 143% or approximately \$4,800 in additional annual revenues. A Notice of Opportunity for Public Hearing was published. Requests for hearing were due April 28, 1994. No protests or requests for hearing have been received. Commissioner Oberg moved to grant Default Order No. 5783. Commissioner Rowe seconded the motion, which passed unanimously.

APPEARANCE

Bonnie Lorang  
Transportation Division

(259) In the matter of Frank J. Smith dba Just Limos, P.O. Box 729, Poplar, MT 59255 - Docket T-94.13.PCN; Commissioner Oberg moved to approve application for a Montana Intrastate Certificate of Public Convenience and Necessity authorizing the following:

Class B - Passengers in limousine service 1) be-

tween all points and places in Daniels, Sheridan, Roosevelt and Valley Counties. 2) between points in Richland County on the one hand and points in Daniels, Sheridan, Roosevelt and Valley Counties on the other hand.

Limitations: Transportation of Burlington Northern crews is prohibited.

Commissioner Fisher seconded the motion, which passed unanimously.

(260) In the matter of Rimrock Stages, Billings, Montana - Docket TN1578; Commissioner McCaffree moved to approve applicants request to publish Reduced Fare Tariff No. 33, Mont. P.S.C. No. 33, allowing one-way and round-trip adult fares and multiple ride fares between any two points on the carriers routes. The reduced fares were in effect and expired April 5, 1994. Rimrock has requested to reinstate the reduced fares and to become effective on 1 days notice.

Commissioner Rowe seconded the motion, which passed unanimously.

(261) In the matter of Foosco, Inc. dba City Cab, Billings, Montana - Docket TN1577; Commissioner McCaffree moved to approve applicants request to publish reduced passenger and delivery fares ranging between 0% and 20%, in Passenger and Delivery Tariff No. 1. The proposed reductions are the result of restructuring zone boundaries. Foosco, Inc., has requested to publish the tariff changes on short notice.

Commissioner Rowe seconded the motion, which passed unanimously.

(262) In the matter of J.N.G., Inc., Butte, Montana - T-337; Commissioner Fisher moved to cancel PSC No. 3540, J.N.G., Inc., Butte, Montana for failure to reactivate following twelve months of suspension. An Order to Show Cause has been sent and received with no response.

Class B - livestock between all points and places in the State of Montana.

Commissioner Rowe seconded the motion, which passed unanimously.

(263) In the matter of Clinton R. Ehret dba Ehret Land Company, Baker, Montana - Docket No. TN1580; Commissioner McCaffree moved to approve applicants request to continue the lease of PSC No. 8904 to Lee Livestock Trucking, Inc., Scobey, Montana for a period of one year, April 15, 1994 to April 15, 1995.

Class B - livestock between all points and places in the State of Montana.

Commissioner Rowe seconded the motion, which passed unanimously.

(264) In the matter of Fischer's Storage and Transfer, Inc., Glasgow, Montana - TN1581; Commissioner Oberg moved to approve applicants request to lease PSC No. 2762 to Glasgow Moving & Storage, Inc., Glasgow, Montana for a period of six months, May 9, 1994 to November 9, 1994.

Class B - Household goods (as defined by Commission) with shipments originating from Valley County to all points in the State of Montana, and from all points in the State of Montana to destination in Valley County, Montana.

Commissioner McCaffree seconded the motion, which passed unani-

mously.

(265) In the matter of the Commission's approval of the June, 1994 calendar; Commissioner Rowe moved to approve the June calendar as submitted. Commissioner McCaffree seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

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BOB ANDERSON, Chairman

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BOB ROWE, Vice Chairman

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DAVE FISHER, Commissioner

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NANCY McCAFFREE, Commissioner

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DANNY OBERG, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEALAt the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Monday, May 9, 1994, the following members were present:

Bob Anderson, Chairman  
Bob Rowe, Vice Chairman  
Dave Fisher, Commissioner  
Nancy McCaffree, Commissioner  
Danny Oberg, Commissioner

APPEARANCE

Chuck Evilsizer, Dan Elliott

(266) In the matter of the Commission's discussion of U S West Communications rate base investigation; Commissioner Rowe moved to issue a Notice of Inquiry as drafted by staff concerning certain rate base valuations and accounting standards. Commissioner McCaffree seconded the motion, which passed. Commissioners Anderson, Rowe, Oberg and McCaffree voted aye. Commissioner Fisher dissented.

APPEARANCE

Mike Sheard, Chuck Evilsizer, Kate Whitney

(267) In the matter of PTI tariff filings on Class Services - Docket N-94-34; Commissioner Rowe moved to suspend the tariff filing for two weeks. Commissioner McCaffree seconded the motion. Motion failed 1-4. Commissioners Anderson, McCaffree, Fisher and Oberg dissented. Commissioner Rowe voted aye.

Commissioner Oberg moved to approve the tariff filing along with a letter of PTI advising them of need for public information. Commissioner Fisher seconded the motion, which passed. Commissioners Anderson, Rowe, McCaffree and Oberg voted aye. Commissioner Fisher dissented.

Commissioner Oberg moved to direct the Chair to write all regulated carriers asking for deployment date of Class Services. Commissioner Fisher seconded the motion, which passed unanimously.

## APPEARANCE

Ron Woods, Denise Peterson

(268) In the matter of Midvale Water Interim Rate Request - Docket No. 93.12.64; Commissioner Oberg moved to grant the interim rate increase as outlined in staff draft. Commissioner Fisher seconded the motion, which passed. Commissioners Anderson, Oberg and Fisher voted aye. Commissioners Rowe and McCaffree dissented.

## APPEARANCE

Martin Jacobson

(269) In the matter of Montana Dakota Utility - Docket No. 93.4.19; Commissioner McCaffree moved to issue a Notice of Commission action to reflect the agreement reached by MDU and Montana Consumer Counsel pertaining to MDU objections to MCC data requests. Commissioner Rowe seconded the motion, which passed unanimously.

(270) In the matter of Montana Dakota Utility - Docket No. 94.5.21; Commissioner McCaffree moved to grant the request for a protective order. Commissioner Oberg seconded the motion, which passed unanimously.

## APPEARANCE

Robin McHugh

(271) In the matter of the Commission's discussion of the CELP vs Montana Power Company complaint; Commissioner McCaffree moved to authorize staff legal counsel to proceed in court litigation as recommended by staff. Commissioner Fisher seconded the motion, which passed unanimously.

## APPEARANCE

Chuck Evilsizer

(272) In the matter of the Commission's discussion of its investigation of other common carriers and pending motions to dismiss; Docket No. 94.2.8; Commissioner Rowe moved to adopt the staff recommendations granting certain motions to dismiss, denying some and directing staff to initiate a separate proceeding to consider Department of Administration and its Information Services Division regulatory status. Commissioner Fisher seconded the motion, which passed unanimously.

## APPEARANCE

Martin Jacobson, Bonnie Lorang, Wayne Budt,  
David Burchett, Robin McHugh

(273) In the matter of the Commission's discussion of the Primary Business Test Rules; Commissioner Rowe moved to proceed with rulemaking on the primary business test. Commissioner McCaffree seconded the motion, which passed. Commissioners Anderson, Rowe and McCaffree voted aye. Commissioners Oberg and Fisher dissented.

There being no further business to come before the Commission the meeting was adjourned.

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BOB ANDERSON, Chairman

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BOB ROWE, Vice Chairman

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DAVE FISHER, Commissioner

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NANCY McCaffree, Commissioner

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DANNY OBERG, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Monday, May 23, 1994, the following members were present:

Bob Anderson, Chairman  
Bob Rowe, Vice Chairman  
Dave Fisher, Commissioner  
Nancy McCaffree, Commissioner  
Danny Oberg, Commissioner

APPEARANCE  
Dan Elliott, Administrator  
Utility Division

(274) In the matter of OCC - DOCKET 94.2.8; Based upon the direction to staff at a worksession held on May 9, 1994, a draft "Phase I Order" has been distributed. Commissioner Fisher moved to grant Phase I Order No. 5778b. Commissioner Rowe seconded the motion, which passed unanimously.

(275) In the matter of AT&T DOCKET N-94-36; on April 26, 1994, AT&T filed Advice 94-13 proposing several changes to its Montana Tariff and Price List. First, AT&T proposes to remove the Holiday discount for AT&T Optimum Service and One Line WATS in order to be consistent with its FCC tariff. Second, AT&T proposes to move Optimum Service from the Detariffed section to the tariffed section of its Tariff. and third, AT&T proposes to introduce a rate schedule for AT&T CIID/891 Card calls under CustomNet Option S. Commissioner Rowe moved to approve the tariff filing and price list. Commissioner McCaffree seconded the motion, which passed unanimously.

(276) In the matter of US WEST COMMUNICATIONS - DOCKET N-94-39; on April 29, 1994, USWC filed Tariff Transmittal 94-13 to revise its Directory Services tariff. The Nonlisted Service description is being revised to state that Directory Assistance is accessible through both voice and electronic means (see 5/19 memo). Commissioner McCaffree moved to approve the tariff filing. Commissioner Rowe seconded the motion, which passed unanimously.

(277) In the matter of SPRINT - DOCKET N-94-33; on April 14, 1994, Sprint filed to introduce a class of service, called Sprint

Premiere Service, which is targeted toward large volume business customers. The filing also makes numerous changes designated to clarify billing periods applicable to various other services and changes the per-call charge for Directory Assistance and Operator Dialed Station-to-Station calls. Commissioner Rowe moved to approve the Sprint filing. Commissioner Fisher seconded the motion, which passed unanimously.

(278) In the matter of PTI - DOCKET N-94-34; in a work session on May 9, 1994, the Commission voted to approve PTI's Custom Calling II (CLASS) filing on an interim basis. A draft order reflecting the Commission's decision has been routed, and is ready for action. Commissioner McCaffree moved to approve the PTI Custom Calling II filing. Commissioner Oberg seconded the motion, which passed unanimously. Commissioner Rowe mentioned 5 points of concern and has attached an opinion.

(279) In the matter of USWC - DOCKET 93.4.12; on May 2, 1994, the Commission granted USWC's Motion to Dismiss the complaint filed by Gerald S. Maykuth of Helena, Montana. A draft Final Order has been distributed. Commissioner Oberg moved to grant the final order dismissing complaint. Commissioner Fisher seconded the motion, which passed. Commissioners Oberg, Fisher, Rowe and McCaffree voted aye. Commissioner Anderson dissented.

(280) In the matter of PTI - DOCKET 94.3.15; on May 12, 1994, PTI filed an Answer to the Formal Complaint filed by Mr. Brock M. Weidner. A draft Procedural Order and schedule has been distributed. Commissioner Rowe moved to grant Procedural Order No. 5787. Commissioner McCaffree seconded the motion, which passed unanimously.

APPEARANCE  
Bonnie Lorang  
Transportation Division

(281) In the matter of Harold and John Simmes, dba Simmes Ranch, Sunburst, Montana - Docket T-93.75.ST; on December 6, 1993, the PSC approved the transfer of PSC 3469 from Harold and John Simmes dba Simmes Ranch, Sunburst, Montana to John Simmes, Sunburst, Montana.

Class B - Livestock between all points and places  
in the State of Montana.

Transferee has not complied with Commission rules by filing insurance, a tariff, or registering vehicles. An Order to Show Cause was issued March 16, 1994, with no response. Staff recommends cancellation of the certificate.

Commissioner Oberg moved to approve PSC 3469. Commissioner Rowe seconded the motion, which passed unanimously.

(282) In the matter of Patrick Construction, Inc., Havre, MT - Docket T-93.177.PCN; filed application for a Montana Intrastate Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class C - 1) Drilling mud and fluids used in connection with exploration, discovery and development of natural gas, oil and other natural resources in flatbed or customer owned enclosed vans between points and places in Hill, Blaine, Chouteau, Liberty, Toole and Phillips Counties for the account of CanAm Drilling Fluids, Inc.; 2) Contaminated water produced in connection with the discovery, development, production, processing, storage, transmission and distribution of natural gas, oil and other natural resources, in tank trucks or tankers, between points and places in Hill, Blaine and Chouteau Counties for the accounts of Northern Natural Gas and Montana Power Company.

A public hearing was scheduled for June 2, 1994, in Havre. Applicant now requests that the hearing be vacated and the application withdrawn.

Commissioner Oberg moved to approve applicants request to withdraw and hearing may be vacated. Commissioner McCaffree seconded the motion, which passed unanimously.

(283) In the matter of Monty Petersen dba Petersen Trucking, Missoula, Montana -Docket T-93.113.PCN; Commissioner Rowe moved to approve the application for a Certificate of Public Convenience and Necessity and moved to cancel PSC 4796 Sub A as duplicating authority.. Parties have stipulated to the following grant of authority and all protests have now been withdrawn:

Class B - Heavy machinery, equipment and supplies (including logging, mining and construction machinery, equipment and supplies, dismantled or otherwise) between points in Beaverhead, Deer

Lodge, Flathead, Glacier, Granite, Lake, Lewis & Clark, Lincoln, Mineral, Missoula, Pondera, Powell, Ravalli, Sanders, Silver Bow, Teton and Toole Counties on the one hand, and, on the other hand, points and places in the State of Montana (including the identified counties). Limitations: 1) Transportation of commodities in bulk is prohibited. 2) Transportation of Mercer description commodities is prohibited. 3) Transportation of commodities under the term "supplies" is restricted to the transportation of those termed items incidental to the operation of heavy machinery and equipment. 4) Transportation to or from points within the following counties is prohibited: Valley, Daniels, Sheridan, Roosevelt, Garfield, McCone, Richland, Dawson, Prairie, Wibaux, Rosebud, Treasure, Custer, Fallon, Broadus and Carter.

Commissioner McCaffree seconded the motion, which passed unanimously.

(284) In the matter of Charles R. Irvin, Shelby, Montana - TN1582; Commissioner Oberg moved to approve request to continue the lease of PSC No. 1086 to Dick Irvin, Inc., Shelby, Montana for a period of one year, May 25, 1994 to May 25, 1995.

Class C - property in Oilmont, Montana, and to or from points tributary thereto, but not exceeding fifty (50) miles in any direction from said city. Limitations: The transportation of property between points served by rail carriers, or between points served by a motor carrier operating between fixed termini or over a regular route, is prohibited. Transportation of ashes, waste, refuse, rubbish and garbage is prohibited.

Commissioner Fisher seconded the motion, which passed unanimously.

(285) In the matter of Rodney and Ruth Aden dba First Class Tours, Polson, Montana - TN1583; Commissioner Rowe moved to suspend PSC No. 9296 for a final six month period, May 22, 1994 to November 22, 1994.

Class B - Passengers to all points and places within the following counties: Lake, Flathead, Missoula, Sanders, Mineral, Glacier, Pondera, Teton, Lewis & Clark, Powell, Granite, Ravalli, Deer Lodge, Jefferson, Silver Bow, Beaverhead, Madison, Gallatin, Cascade, Judith Basin, Meagher, Park, Sweetgrass, Broadwater, and Lincoln. Limitations: (1) Transportation must originate and terminate in Lake County; (2) Transportation will not be provided by limousine; (3) Transportation of railway crews is prohibited; (4) Transportation shall be by vans, up to 16 passengers per van; (5) Transportation will be by round-trip tours originating and terminating from the same location; (6) Transportation to airports is prohibited; (7) Transportation shall be in groups no smaller than three (3).

Commissioner McCaffree seconded the motion, which passed unanimously.

(286) In the matter of Diversified Transfer & Storage, Inc. dba DTS, Billings, Montana - Docket T-94.40.RI; Commissioner McCaffree moved to approve increased rates and charges of between 9% and 12%, in Tariff DTSB 500, MPSC 50, Item 135.

This increase applies on the transportation of general commodities, when Assembly or Distribution is performed between Billings and Colstrip, as set forth in Item 135, Assembly and Distribution Service.

Protest Date: May 19, 1994  
Effective Date: June 1, 1994

Commissioner Rowe seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

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BOB ANDERSON, Chairman

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BOB ROWE, Vice Chairman

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DAVE FISHER, Commissioner

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NANCY McCAFFREE, Commissioner

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DANNY OBERG, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, May 24, 1994, the following members were present:

Bob Anderson, Chairman  
Bob Rowe, Vice Chairman  
Dave Fisher, Commissioner  
Nancy McCaffree, Commissioner  
Danny Oberg, Commissioner

APPEARANCE  
Dan Elliott, Robin McHugh

(287) In the matter of U S West Communications request for extension - Docket No. N-94-40; Commissioner Rowe moved to grant the motion of USWC for revised procedural schedule of a July 1 filing date and altering other dates as necessary. Commissioner McCaffree seconded the motion, which passed unanimously.

(288) In the matter of Montana Power Company and pending motions for reconsideration - Docket No. 93.67.24; Commissioner Rowe moved to deny the motion of the MPC to reply the motions for reconsideration of the Montana Consumer Counsel. Commissioner McCaffree seconded the motion, which passed. Commissioners Anderson, Rowe and McCaffree voted aye. Commissioners Fisher and Oberg dissented.

Commissioner Rowe moved to waive the 10 day rule. Commissioner Oberg seconded the motion, which passed unanimously.

(289) In the matter of Montana Dakota Utility - Docket No. 94.4.17; Commissioner McCaffree moved to accept the staff recommendation to issue a protective order on Data Requests 28, 29, 40(a) and MCC-10, MCC-135. Commissioner Fisher seconded the motion, which passed. Commissioners Anderson, Oberg, McCaffree and Fisher voted aye. Commissioner Rowe dissented.

Commissioner Rowe moved to grant MDU's objections to MCC-90, MCC-177, and deny objections to MCC-179-184, 185(b) and 185(c) and order MCC to respond to data used to determine marginal costs. Commissioner McCaffree seconded the motion, which passed. Commissioners Anderson, Rowe and McCaffree voted aye. Commissioners Oberg and Fisher dissented.

#### APPEARANCE

Martin Jacobson, Wayne Budt, Bonnie Lorang

(290) In the matter of the Commission's discussion of Primary Business Test Rule; Commissioner McCaffree moved to adopt and publish the rules as proposed with the exception of factors in Rule 3 being eliminated and adopting staff substitute language and a new rule dealing with affiliate and subsidiary business relationships. Commissioner Rowe seconded the motion, which passed unanimously.

#### APPEARANCE

(291) In the matter of Montana Power Company gas tracking case - Docket 93.11.54; Commissioner McCaffree moved to grant the motion of MPC by notice of Commission Action dealing with Paladin's failure to respond to certain data requests. Commissioner Fisher seconded the motion, which passed unanimously.

Commissioner Oberg moved to issue a Notice of Commission Action which requires Paladin to respond more fully within five (5) working days to certain data requests which were considered and found unresponsive. MPC will also be given opportunity to file supplemental rebuttal testimony. Commissioner Fisher seconded the motion, which passed unanimously.

APPEARANCE  
Mike Lee, Robin McHugh

(292) In the matter of the Commission's discussion of rate design issues in the Montana Power Case - Docket No. 93.7.29; Commissioner Rowe moved to adopt revised irrigation rates with a demand charge of \$4.20 Kwh with revenue short fall being allocated to energy consumption. Commissioner McCaffree seconded the motion, which passed. Commissioners Fisher, McCaffree and Rowe voted aye. Commissioners Anderson and Oberg dissented.

Commissioner Fisher moved to approve the EIRI-2 rate on a final basis. Commissioner Oberg seconded the motion, which passed. Commissioners Rowe, McCaffree, Oberg and Fisher voted aye. Commissioner Anderson dissented.

Commissioner Fisher moved that there be a 10% sharing of RP Chem EIRI-2 revenue shortfall with the shareholders of the MPC. Commissioner Oberg seconded the motion, which passed unanimously.

APPEARANCE  
Martin Jacobson, Bonnie Lorang, Wayne Budt

(293) In the matter of the City of Wolf Point application for Class D Operating Authority - Docket T-94.26.PCN; Commissioner Oberg moved to grant the certificate for Class D certificate for a 6 mile period outside present city limits. Commissioner Fisher seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

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BOB ANDERSON, Chairman

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BOB ROWE, Vice Chairman

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DAVE FISHER, Commissioner

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NANCY McCAFFREE, Commissioner

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DANNY OBERG, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, May 24, 1994, the following members were present:

Bob Anderson, Chairman  
Bob Rowe, Vice Chairman

Dave Fisher, Commissioner  
Nancy McCaffree, Commissioner  
Danny Oberg, Commissioner

## APPEARANCE

## APPEARANCE

Martin Jacobson, Dave Burchett, Wayne Budt

(294) In the matter of the Commission's discussion of Wells Fargo complaint; Commissioner McCaffree moved to direct staff to issue a Notice of Complaint on its own motion to Wells Fargo for hauling certain items outside its authority. Commissioner Fisher seconded the motion, which passed unanimously.

## APPEARANCE

Wayne Budt

(295) Commissioner McCaffree moved to approve out of state travel for Lee Snow to Vancouver, Washington for FRA meeting and also to Williston, North Dakota on June 6 for inspection purposes. Commissioner Fisher seconded the motion, which passed unanimously.

Commissioner Rowe moved to authorize reimbursable travel for Commissioner Rowe to instruct a seminar (class) at the Michigan State School. Commissioner Fisher seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

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BOB ANDERSON, Chairman

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BOB ROWE, Vice Chairman

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DAVE FISHER, Commissioner

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NANCY McCAFFREE, Commissioner

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DANNY OBERG, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, May 31, 1994, the following members were present:

Bob Anderson, Chairman  
Bob Rowe, Vice Chairman  
Dave Fisher, Commissioner  
Nancy McCaffree, Commissioner

Commissioner Oberg was absent and did not vote on the following issues.

APPEARANCE

Dan Elliott, Administrator  
Utility Division

(296) In the matter of Clark Fork Telecommunications - Docket N-94-37; on April 29, 1994, Clark Fork Telecommunications, Inc. filed to introduce a number of custom calling features. Commissioner Rowe moved to approve to the filing. Commissioner Fisher seconded the motion, which passed unanimously.

(297) In the matter of Great Falls Gas Company - Docket No. 94.4.20; on April 25, GFG filed an application to modify it's Gas Cost Tracking Mechanism approved by the Commission in Docket No. 90.3.20, Order No. 5539c. GFG does not propose to change rates as a result of the docket. An interim order has been drafted. Commissioner Rowe moved to approve the application. Commissioner McCaffree seconded the motion, which passed unanimously.

APPEARANCE

Bonnie Lorang  
Transportation Division

(298) In the matter of Diversified Transfer & Storage, Inc. dba DTS, Billings, Montana - Docket T-93.176.PCN; Commissioner McCaffree moved to approve the application for a Certificate of Public Convenience and Necessity. Parties have stipulated to the following grant of authority:

Class C - Food products between points in Yellowstone County, on the one hand, and, on the other, all points and places in the State of Montana. Limitations: 1) Trucking services are limited to those provided by refrigerated equipment. 2) Transportation of commodities in bulk is prohibited. 3) No Transportation service on any load originating or terminating in Yellowstone County to or from Rosebud, Custer, Powder River, Treasure, Big Horn, Carter, Fallon, Wibaux, Yellowstone, Prairie, and Dawson Counties, Montana, and the municipalities of Red Lodge and Bridger, Montana. 4) All transportation services between Billings and Helena, Montana, serving the off-route points of Acton, Broadview, Lavina, Ryegate, Shawmut, Harlowton, Two Dot, Martinsdale, Checkerboard, White Sulphur Springs, Townsend, and East Helena, Montana, must be shipments of more than one hundred (100) pounds. 5) Transportation services are limited to the following accounts and/or their successors-in-interest: (a) M H Products, Inc. dba Mountain Harvest (Billings, MT); (b) Oil Dri Corp (Chicago, IL); (c) Holsum Foods/Gregg Foods Division (Portland, OR); (d) Heller Seasonings & Ingredients, Inc. (Bedford Park, IL); (e) Canbra Foods (Lethbridge, Alberta, Canada); (f) Sweetheart Bakeries (Billings, MT).

Commissioner Rowe seconded the motion, which passed unanimously. (299) In the matter of Earl E. Foss dba Earl E. Foss Trucking, Great Falls, MT - Docket T-93.178.ST; Commissioner Rowe moved to approve the application for transfer of PSC 8112 to Earl E. Foss Trucking, Inc., Great Falls, Montana.

Class C - Such commodities as are used in or

dealt in by grocery stores between all points and places in the State of Montana. Limitations: 1) Transportation is restricted to the account of Buttrey Food & Drug and/or its successor in interest. 2) Transportation of commodities in bulk is prohibited.

Commissioner Fisher seconded the motion, which passed unanimously.

(300) In the matter of Eugene Shumaker dba Shumaker Trucking and Excavating, Great Falls, MT - Docket T-94.32.ST; Commissioner Fisher moved to approve the application for transfer of Montana Intrastate Certificate of Public Convenience and Necessity, PSC No. 4304 to Shumaker Trucking and Excavating Contractors, Inc., Great Falls, MT 59403.

Class B - agricultural machinery and equipment, road construction machinery and equipment, heavy equipment of unusual size or weight requiring special equipment between points and places within Cascade County, Montana; and between points and places in Cascade County, Montana, on one hand, and, on the other, all points and places in the State of Montana. Limitations: (1) The transportation between points served by rail except when special equipment is required for loading and unloading is prohibited; (2) transportation in the following counties is prohibited; Richland, McCone, Garfield, Petroleum, Yellowstone, Big Horn, Musselshell, Rosebud, Treasure, Powder River, Custer, Carter, Fallon, Prairie, Dawson and Wibaux; (3) the transportation of wrecked or disabled automobiles, house trailers or mobile homes is prohibited.

SUB A Class B - used car bodies with or without chassis attached, crushed or compacted, in all forms including shredded and baled between all points and places in the State of Montana. Limitations: The transportation of car bodies contained herein is restricted against the movement of vehicles destined for repair and reuse in their original state (condition) of manufacture.

SUB B Class B - sand and gravel, concrete mix, aggregate, bituminous asphalt, aggregate mix, dirt, rock, pit run, material from demolished buildings, used paving materials, used concrete, broken concrete, riprap, uprooted trees and shrubs, and all forms and types of excavation materials between all points and places in the State of Montana. Limitations: Transportation of petroleum and petroleum products in bulk and in tank trucks and trailers is prohibited.

Commissioner McCaffree seconded the motion, which passed unanimously.

(301) In the matter of TBB Limited, Inc. dba Billings Yellow Cab, Billings MT - Docket T-94.36.ST; Commissioner McCaffree moved to approve the application for transfer of Montana Intrastate Certificate of Public Convenience and Necessity, PSC No. 139 to Two Shews, Inc. dba Billings Yellow Cab, Billings MT.

Class B - persons, within the City of Billings, Montana, and between points tributary thereto, but within a distance not exceeding fifty (50) miles in

any direction from said city.  
 Limitations: Regular or scheduled service as a  
 jitney or bus is prohibited on or over any route.

Class B - messages, parcels and light packages,  
 capable of being transported by passenger automobile  
 only within the City of Billings, Montana, and to or  
 from points tributary thereto, but within a distance  
 not exceeding ten (10) miles in any direction.

Limitations:

1. This Certificate is co-extensive with a Certif-  
 icate of Public Convenience and Necessity, PSC  
 No. 139, issued to the applicant authorizing  
 Class "B" service (taxi) in the transportation of  
 persons and may not be separately sold or leased.
2. No service shall be rendered in the transporta-  
 tion of any package or article weighing more than  
 fifty (50) pounds or exceeding one-hundred-eight  
 inches (108") in length or girth combined and  
 each package or article shall be considered as a  
 separate and distinct shipment.
3. No service shall be rendered in the transporta-  
 tion of any of the following:
  - (a) Valuable papers and other valuables re-  
 quiring special handling and security,  
 and including, but not limited to money,  
 currency, coin, bullion, precious metals,  
 silverware, jewelry, precious stones,  
 paintings, negotiable and non-negotiable  
 securities and negotiable and non-nego-  
 tiable bank checks, audit and accounting  
 media, data processing media and business  
 records;
  - (b) Processed and unprocessed film and mi-  
 crofilm and incidental supplies relating  
 to snapshots and microfilm requiring  
 special handling and security; and
  - (c) Mail between post office boxes and cus-  
 tomers of Wells Fargo, Inc., between  
 points and places in the State of Mon-  
 tana.

Class B - Prescription drugs, check, x-rays and  
 specimens to and from clinics and hospitals, and  
 jewelry store items not to exceed \$500 in value  
 between all points and places in Big Horn, Stillwater  
 and Treasure Counties and a ten mile radius of  
 Billings, Montana.

Limitations: Transportation is restricted to items  
 weighing fifty (50) pounds or less.

Commissioner Rowe seconded the motion, which passed unanimously.

(302) In the matter of Arthur Orr, Carol Orr and Georgia Miller,  
 a partnership dba "See Montana", Ennis, Montana - Docket TN1586;  
 Commissioner Fisher moved to cancel Montana Intrastate Certificate  
 PSC No. 9213.

Class B - Passengers between all points and places in  
 Madison, Beaverhead, Gallatin, Jefferson and Park  
 Counties.

Limitations: 1. Transportation must originate and  
 terminate within a fifteen (15) mile radius of Ennis,  
 Montana. 2. Transportation is limited to eight  
 passengers or less per trip.

Commissioner McCaffree seconded the motion, which passed unani-

mously.

(303) In the matter of Ted L. Nichols and Christina M. Nichols dba Intercity Freight Lines, Missoula, Montana - TN1587; Commissioner Rowe moved to approve applicants request to continue the lease of PSC No. 1267 to Inter City Freight Lines, Inc., Missoula, Montana for a period of one year, May 11, 1994 to May 11, 1995.

Class B - general commodities, between Missoula, Montana and points and places in Mineral and Sanders Counties, Montana, subject to the following:  
Limitations: (a) Transportation of bulk commodities in Mineral County is prohibited. (b) Transportation of (1) money, bonds, securities or paper tapes, mark-sense instruments; (2) data card, magnetic prepared, processed or utilized by mechanical or electrical tabulating or computing machines; and (3) film, processed and unprocessed, new developed prints and negatives, used in connection with banking operations; are prohibited. (c) Transportation within Hot Springs, Montana and a five-mile radius thereof is prohibited.

SUB A Class C - property between Missoula, Montana, and the Montana-Idaho State Line over U.S. Highway 10A, serving all intermediate points.  
Limitations: Transportation of ashes, trash, waste, refuse, rubbish and garbage is prohibited.

SUB B Class B - small packages and miscellaneous merchandise not in excess of 100 pounds per package and not in excess of \$1,000 in value, restricted to a load limit of 5,000 pounds per vehicle. Area: between all points and places in Sanders, Flathead, Lake and Missoula Counties. Limitations: Transportation of the following: 1. Money, currency, coin, bullion, precious metals, silverware, jewelry, precious stones, paintings, negotiable securities, negotiable bank checks and other valuables requiring special handling and security; 2. Mail between post office boxes and customers of Wells Fargo between all points and places in the State of Montana; 3. Audit and accounting media, data processing media and business records; 4. Non-negotiable securities; 5. Non-negotiable bank checks and valuable papers.

Commissioner McCaffree seconded the motion, which passed unanimously.

(304) In the matter of Lawrence M. Rummans dba Diamond Willow Stage Line, Lewistown, Montana - TN1588; Commissioner Fisher moved to approve applicants request to further suspend PSC no. 9138, Sub A and Sub C, for the period, May 31, 1994 to November 1, 1994.

SUB A Class B- Passengers and baggage in charter service, between all points and places within the state of Montana.  
Limitations: 1) There will be no more than twelve (12) passengers per vehicle transported. 2) All charter trips shall originate in Fergus County, Montana, then may travel to all points and places within the State of Montana and return to Fergus County, Montana, for termination.

SUB C Class C - Express freight between all points and places in Fergus, Musselshell, Yellowstone,

Judith Basin and Cascade Counties.  
Limitations: 1) All shipments must originate or terminate in Fergus, Musselshell, or Judith Basin Counties. 2) Packages and parcels are limited to a weight of not more than 75 pounds per package or parcel. The transportation of coins, currency, silver bullion, gold bullion, and other precious metals, precious stones, valuable paintings, and other items of unusual value requiring special handling and security is prohibited. 3) Transportation of audit and accounting media, data processing media, business records, non-negotiable securities, non-negotiable bank checks and valuable papers for financial institutions; processed and unprocessed film and microfilm and incidental supplies relating to snapshots and microfilm is prohibited.

Commissioner McCaffree seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

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BOB ANDERSON, Chairman

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BOB ROWE, Vice Chairman

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DAVE FISHER, Commissioner

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NANCY McCAFFREE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)